UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/739,410	12/18/2000	Keith Barraclough	8X8S.250PA	2993

7590	12/14/2004			EXAMINER

CRAWFORD PLLC
Suite 390
1270 Northland Drive
St. Paul, MN 55120

ODLAND, DAVID E

ART UNIT	PAPER NUMBER
2662	

DATE MAILED: 12/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *12 July 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-19* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4) ☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   The following is a response to the amendments filed on 07/12/2004.

Claim Rejections - 35 USC § 102

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2.   Claims 1, 2, 5-11, 13, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated

by Kelly (U.S. 6,377,568), hereinafter referred to as Kelly. Also, Kelly's prior art is further

disclosed in Mattaway et al. (U.S. 6,131,121) that is incorporated by reference, see column 1,

lines 23-31, hereinafter referred to as Mattaway.

Regarding claim 1, Kelly discloses an P-telephony interface circuit arrangement (see

figure 2), comprising: a plurality of audio-endpoint devices adapted to process audio information

coupled to respective audio channels (gateways 218 adapted to process audio information from

the coupled telephones 214); and a data gateway circuit including multiple circuit paths coupled

to the respective audio channels, the multiple circuit paths adapted to process the audio

information (the multiple paths between elements of figure 2), and including an interface circuit

adapted to convert the audio information between a first audio-channel format and a second Ip-

data format (circuits in gateway 428 adapted to convert a digital or analog audio stream, see

column 9 line 35, from telephone 432 to TCP/P audio, see column 9, lines 33-34); the data

gateway circuit being configured and arranged with a first interface for communicatively

coupling the audio information in the second œ-data format to an IP communications link (a first

network interface operatively coupling to a packet-switched data network, see column 4 lines 24-25) and with a second interface for communicatively coupling the audio information in the first audio-channel format to the plurality of audio-endpoint devices (a second network interface operatively coupling to a circuit-switched network, see column 4 lines 27-29).

Regarding claim 2, Kelly further discloses that the gateways are scalable depending on the network in column 9 on lines 56-57 and can be configured and arranged to expand service to additional audio-endpoint devices.

Regarding claim 5, Kelly discloses a data gateway adapted to convert between IP and analog telephony data (gateway 428 of figure 4 disclosed in column 9 line 31 through column 11 line 28), the gateway comprising: an IP telephony processor adapted to compress and format audio data for transmission over an IP network (as disclosed in Mattaway, a first processing unit 12 of figures 1 and 2 for sending a voice signal see column 4 line 21, to the Internet or other computer networks; see column 4, line 28, that includes codecs shown in figure 13A for compression and decompression of the audio data stream, see column 16 lines 13-14); an IP communications port adapted to connect to an IP communications link (four communication ports associated with the VWPs in figure 4 each of which is coupled to a TCTP/IP network over connection 408, see column 10 lines 22-23); a POTS communications port adapted to connect to a POTS link (communications ports associated with the VWA of figure 4 adapted to connect to POTS links for the 800 services as shown in figure 4).

Regarding claim 6, Mattaway further discloses that gateway 428 uses the computer system 1 100 in figure 11 that runs Webphone Version 1.0 software disclosed in column 14 line

52 as Codec integration software for codecs 1320 in figure 13 A, and it is inherent this computer system includes a PCB.

Regarding claim 7, it is inherent that computer system 1 100 includes a unit level assembly for housing the PCB.

Regarding claim 8, Mattaway further discloses that the Webphone Version 1.0 software used as Codec integration software operates in object modules in column 15 lines 10-11.

Regarding claim 9, Kelly further discloses that software for the gateway 428 may be generated using the a Webphone Application Program Interface Developers Kit in column 11 on lines 9-11 that implies the Developers Kit includes software tools. Also, in column 11 on lines 12-16 it is disclosed further that the proprietary software includes the appropriate algorithms which, given identification signals defining the gateway and ports will resolve the signals associated with an Email communications system that implies evaluation of the Email communications system to resolve the signals.

Regarding claim 10, Kelly further discloses a Webphone Application Program Interface Developers Kit in column 11 on lines 10-1 1 that is software that runs on the hardware residing in a computer system 100 shown in figure 1, and when used in the IP telephony network shown in figure 4 has communication links 426 and 408 adapted to couple to conventional telephony device 432. Software for the gateway 428 may be generated using the a Webphone Application Program Interface Developers Kit is disclosed in column 11 on lines 9-11 that implies a programming interlink between a computer system 100 running this developer's kit and the gateway 428.

Regarding claim 11, Mattaway further discloses a Webphone API process in figure 13B

that can be adapted to use communications standards for Voœ via the IP, TCP, UDP, and/or RTP

protocols shown in figure 13B and disclosed in column 17 lines 2-5.

Regarding claim 13, Mattaway further discloses that the first processor unit 12 of figure 1

is adapted to use DSP and command/control processing for compressing and formatting the

audio data (the processors and processor units disclosed in column 6 lines 1-23 may include DSP

hardware in column 6 on lines 14-15.

Regarding claim 16, Mattaway further discloses that computer system 1 100 includes

RAM memory 1226 in figure 12 and in column 13 on lines 15-16.

Regarding claim 17, Mattaway further discloses that the first processor unit 12 of figure 1

is remotely programmable via the TCP Using the Webphone API for remote command control in

column 17 on lines 5-6.

Regarding claim 18, Kelly further discloses gateway 428 being adapted to control a

plurality of four telephony calls simultaneously via VWA 1 through VWA 4 in figure 4 using a

ring management process for the respective telephones 432.

Regarding claim 19, Kelly further discloses that the IP communications link on gateway

428 may include a broadband link using ATM in column 10 on line

Regarding claim 20, Kelly discloses an IP telephony communications system (figure 2)

comprising: a data gateway adapted to convert between P telephony data and POTS telephony

data (gateways 218 adapted to convert between IP telephony from Internet 220 and POTS

telephony data to telephones 214); an IP communications link coupled to the data gateway and to

an IP communications network link coupled to gateway 218A and to the internet 220 in figure

2); and a POTS link coupled to the data gateway and to a POTS communications network tlink

between 218A and telephone terminating apparatus 214 in figure 2 where 214 can be in a POTS

network as disclosed in column 6 on line 33).

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in
> section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are
> such that the subject matter as a whole would have been obvious at the time the invention was made to a person
> having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the
> manner in which the invention was made.

4.   Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly.

Regarding claim 3, Kelly further discloses that the gateways are scalable depending on

the network in column 9 on lines 56-57 and can be configured and arranged to expand service to

additional audio-endpoint devices, but does not expressly disclose that the gateway is configured

and arranged to expand service to additional audio-endpoint devices in multiples of 2^N, where N

is an integer. It would have been obvious to one of ordinary skill in the art at the time the

invention was made to modify Kelly's circuit arrangement to allow expanding service to N d to

accommodate voice circuits additional audio-endpoint devices in multiples of 2^N order between

two specific audio-endpoint devices such as hot lines.

5.   Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of

Langlais (U. S. 6,091,932), hereinafter referred to as Langlais.

Regarding claim 4, Kelly teaches a circuit that includes four communication ports, see

column 10, line 22, associated with the virtual interfaces VWA in figure 4 that interface to 800

network services that can be analog lines, see column 9 line 35, but does not expressly disclose

that the communication ports includes SLICS. Langlais teaches a subscriber telco module that

includes dual SLICS in figure 3 and in column 8 on line 60. It would have been obvious to one

of ordinary skill in the art at the time the invention was made to modify Kelly's circuit by using a

pair of dual SLICS for Kelly's communications ports as taught Langlais, in order to reduce the

physical size and most likely the cost of the circuit.

6.   Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of

Beddus et al. (U. S. 6,654,457), hereinafter referred to as Beddus.

Regarding claim 12, Kelly discloses the data gateway of claim 5 (gateway 428 of figure 4

disclosed in column 9 line 31 through column 1 1 line 28), and further discloses that gateway

428 includes a Virtual met-me VMMA agent, but does not expressly disclose adapting gateway

428 to interface with Microsoft NetMeeting software Beddus teaches a gateway that is adapted to

interface with Microsoft NetMeeting software in figure 2 with the Agent running Microsoft's

NetMeeting software in column 3 in line 19. It would have been obvious for one of ordinary skill

in the art at the time the invention was made to modify Kelly's gateway 428 by having Kelly's

agent run Microsoft's NetMeeting software instead of VMMA. One would have been motivated

to make this modification in order to expand Kelly's meet-me functionality to remove the

limitation of allowing only VMMA users and allow NetMeeting users on the system that results

in increasing the capabilities of the system that leads to supporting a larger customer base and

increasing profits.

7.   Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of

Hooks et al. (U. S. 6,294,892), hereinafter referred to as Hooks.

Regarding claim 14, Kelley teaches that the second interface provides a conventional

packet-switched data interface such as 10BaseT Ethernet in column 10 in lines 3-4, but does not

expressly disclose that the second interface includes an Ethernet MAC/PHY chip. Hooks teaches

a network interface card 1 14 in figure 2 that uses an AMD 79C961 MAC/PHY chip in column 3

on line 30 that is adapted to provide access to 10BaseT Ethernet and manage flow control. It

would have been obvious to one of ordinary skill in the art to Modify Kelly's second interface to

include the AMD 79C961 in order to reduce parts count and reduce cost, and address

applications where higher system throughput is desired.

8.   Claim 15 is rejected under 35 U.S.C. 103(a) as being unpatentable over Kelly in view of

Locascio (U.S. 6,603,757), hereinafter referred to as Locascio.

Regarding claim 15, Kelly discloses the data gateway of claim 5 (gateway 428 of figure 4

disclosed in column 9 line 31 through column 11 line 28), and Mattaway further discloses that

the gateway includes memory and a remotely command control of the gateway in column 17 on

lines 5-6, but they do not expressly disclose using flash memory. Locascio teaches a VDAC card

for providing VoIP in the abstract on line 4 that includes FLASH data memory taught in column

4 on line 14. It would have been obvious for one of ordinary skill in the art at the time the

invention was made to modify Kelly's gateway with the teaching of Locascio and add flash

memory in order to not only have the remote command control of the gateway, but also insure

that programming is maintained during times of power failure via the nonvolatile property of

FLASH.

Response to Arguments

9.   Applicant's arguments filed 07/12/2004 have been fully considered but they are not

persuasive.

On page 6 the Applicant argues that the '568 reference is improper because it fails to

identify a data gateway circuit including multiple data paths, as recited in claim 1. The Examiner

respectfully disagrees. Every gateway shown in figure 2 of '568 has at least two circuits that

provide data paths. Namely, one circuit connects the telephone or some other terminal *to* the

gateway as an input and another circuit connects *from* the gateway and to either the Internet or an

ISP as an output circuit, thus these circuits provide more that one data path for data to travel on.

On page 7 regarding claim 5, the applicant argues that using the '121 reference is

improper because the '568 reference fails to indicate any specific purpose for incorporating '121.

The Examiner respectfully disagrees. The '568 reference incorporates the '121 reference for

purposes of conveying the subject matter of related applications. Furthermore, the test is what

the combined teachings of these references would have suggested *to those of ordinary skill in the*

art. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981). Furthermore, by the '568

reference incorporating the '121 reference, it is the same as re-writing the '121 disclosure into

the '568 disclosure and thus they can be seen as a single reference.

On page 7 regarding claim 7, the applicant argues that the system 1100 of '121 does not

contain a unit level assembly including the PCB and housing. The Examiner respectfully

disagrees. As shown in figure 11 of '121, the 1100 system clearly has unit level assembly. Also,

column 13 lines 1-10, discloses that system 1100 can be an IBM Personal System/2 (PS/2)

system and this system is a conventional PC that has a PCB and housing (note, see Appendix I

for a picture and description of an IBM PS/2 system taken form the web site:

http://www.seds.org/~spider/ps2/ibm40212.html). Therefore, clearly the '121 reference meets

the claim limitations.

Conclusion

10.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time

policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within TWO

MONTHS of the mailing date of this final action and the advisory action is not mailed until after

the end of the THREE-MONTH shortened statutory period, then the shortened statutory period

will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing

date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to David Odland whose telephone number is (571) 272-3096. The

examiner can normally be reached on Monday - Friday from 8am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Hassan Kizou, can be reached at (571) 272-3088. The fax phone number for the

organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

deo

December 2, 2004

HASSAN KIZOU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

Appendix I